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To:	Company	Fax #:	Telephone #:
1) Examiner Cynthia Collins	U.S. Patent and Trademark Office	(703) 746-5032	(703) 605-1210
2)			
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From: Andrew K. Gonsalves	Date: October 7, 2003	No. of Pages: 12 (including this page)	57953/1180
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**Comments:**

**U.S. Serial No. 09/578,827**

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October 7, 2003

**VIA FACSIMILE**

Cynthia E. Collins  
Examiner  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/578,827, filed May 24, 2000 for  
SHORT-ROOT GENE, PROMOTER, AND USES THEREOF  
Inventors: Benfey et al.  
Docket No.: 57953/1180

Dear Examiner Collins:

As you requested, enclosed please find the following documents relating to the above-identified case: (1) Amendment Under 37 C.F.R. § 1.116 (the "Final Amendment"), filed May 27, 2003; (2) transmittal form for the Final Amendment; (3) copy of the self-addressed postcard submitted with the Final Amendment; and (4) copy of the returned, self-addressed postcard, indicating receipt of the Final Amendment by the U.S. Patent and Trademark Office on May 29, 2003.

We look forward to hearing from you soon regarding this matter. Please call me at (585) 263-1658 if you have any questions or need further information.

Very truly yours,

Andrew K. Gonsalves  
Registration No. 48,145

AKG/jaw  
Enclosures

R718394.1

UTILITY/DESIGN PATENT Date: 5/27/03  
(amend/final amend) Date of O.A.: 9/27/02  
Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon  
via Certificate of Mail:  
Case # 57953/1180 S/N: 09/578, 827 Filed: May 24, 2000  
Pat. # \_\_\_\_\_ Issued: \_\_\_\_\_  
Examiner: C. Collins Art Unit: 1638  
Hatch: \_\_\_\_\_ Atty: A. Gonsalves  
Applicant: Bentley et al.  
Title: SHORT-ROOT GENE, PROMOTER, AND USES THEREOF  
Re-Exam Control # \_\_\_\_\_  
VERIFIED BY: Asst: TAIHOIPE Quality Control: \_\_\_\_\_  
☒ Transmittal Sheet in duplicate ☒ Amendment in 10 pgs. + Appendix A  
☐ Mo. Ext. Time in dupe. ☐ Change of Address (1 page)  
☐ Request for Drawing Changes MAY 29 2003 ☐ Small Entity Statement  
☐ pgs. \_\_\_\_\_ Drawings ☐ Assignment in \_\_\_\_\_ pgs.  
☐ \$ \_\_\_\_\_ Check for Amend. ☐ \$ \_\_\_\_\_ Check for Assig.  
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☐ Information Disclosure Statement, PTO-1449 in duplicate with \_\_\_\_\_ Reference(s)  
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## UTILITY/DESIGN PATENT

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Case # 57953/1180 S/N: 09/578, 827 Filed: May 24, 2000

Pat. #

Issued:

Examiner: C. CollinsArt Unit: 1638

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Atty: A. GonsalvesApplicant: Bentley et alTitle: SHORT-ROBT GENE, PROMOTER, AND USES THEREOF

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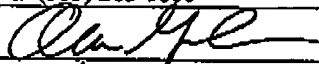
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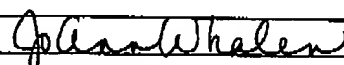
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/578,827	
	Filing Date	May 24, 2000	
	First Named Inventor	Philip N. Benfey	
	Group Art Unit	1638	
	Examiner Name	C. Collins	
Total Number of Pages in This Submission	8	Attorney Docket Number	57953/1180

ENCLOSURES (check all that apply)		
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Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Andrew K. Gonsalves Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1658 Fax: (585) 263-1600
Signature	 Reg. No. 48,145
Date	5/27/03

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Name:	Jo Ann Whalen